IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL, CIVIL JURISDICTION

WRIT **PETITION LODGING NO.1771 OF 2006**

New Ashirwad Co-op. Housing Society

Ltd. & Anr. ...Petitioners

Vs.

S.R.A. & Ors. ...Respondents

Mr.S.Y.Katkade, for the petitioner

Mr.G.D.Utangale, for Respondent No.1.

Mr.S.G.Surana, for Respondent Nos. 2 to 4.

Mr. A. Sayed, AGP for Respondent Nos. 6 and 7.

Mrs. A.K.Savla, for Respondent No.5.

CORAM: **F.I. REBELLO &**

ANOOP V.MOHTA, JJ.

DATE: 18TH AUGUST,2006

P.C.

. This is yet another petition by a Society to scuttle the Annexure II issued in favour of Respondent No.2. L.O.I. has also been issued which has been executed by respondent No.4. We need to reiterate and re-emphasis that such petitions are nothing but an attempt by rival Builders to stall schemes and take up the schemes. If the petitioners

are entitled as occupants in the area of the benefit of the Scheme at the highest their grievance would be to apply to the Competent Authority if their claim has not been considered for consideration. If their case has been rejected then to prefer an Appeal. In these circumstances this would not be a fit case for this Court to exercise its extra ordinary jurisdiction. By earlier order dated 31st July, 2006 and thereafter August, 4, 2006 the various occupants therein were protected and further direction was issued to give them alternate accommodation within such time their cases were considered. In so far as those persons are concerned altogether 13 in number the Respondent No.4 to make available to those 13 members alternate accommodation within 15 days from today. On their failure to shift the respondent No.7 to take steps according to law. Needless to say that we have not decided the rights of the members of the petitioners and that will be agitated before the Competent Authority. It may also be mentioned that the Respondent No.2 claims membership of 146 members.

. With the above directions, petition stands disposed of.

(**F.I. REBELLO, J)**

(**ANOOP V.MOHTA, J.).**